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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,004	05/03/2001	Joris Jozef Gustaaf Tack	CM1930	8972

27752 7590 12/29/2003

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EXAMINER

NGO, LIEN M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 12/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,004

Applicant(s)

TACK ET AL.

Examiner

LIEN TM NGO

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. (5,699,912) in view of Urano et al. (4,208,118).

Ishikawa et al. disclose, in figs. 11 and 14, a container for wetted wipes comprising a container body 11, a stationary cover 21 having a dispensing opening 24, a movable lid 23, a spring element 50, a locking mechanism comprising a protrusions 32, 52a of the stationary cover and the movable lid, and a push-button 52. The spring element is made of rubber material (see col. 5, lines 37-40).

Ishikawa et al. do not disclose, a gasket seal being located between the cover and the movable lid, wherein the gasket seal fitted into a groove on the cover.

Urano et al. disclose, in figs 7 and 8, a gasket seal 2 being located between the cover and the movable lid, wherein the gasket seal fitted into a groove on the cover.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ishikawa et al container with

gasket seal as claimed, in view teaching of Urano, in order to provide a moisture and dust proof sealing for the container.

In regard to claim 9, gasket seal is made out of silicone elastomer is well known in the art.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa in view of Urano et al. and further in view of Taguchi et al. (4,513,877). Ishikawa in view of Urano et al do not disclose the spring element being a metallic winding coil. Taguchi et al. teach a hinge bias spring element being a winding coil. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the spring element in Ishikawa in view of Urano et al container being a metal winding coil, as taught by Taguchi et al., in order to provide a desired spring element for the biasing hinge of container cover.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa in view of Urano et al. and further in view of Boedecker (3,994,441) or Kanfer et al. (5,573,132). Ishikawa in view of Urano et al. does not disclose the bottom of the container comprising a refill opening being closed by a removable cover.

Boedecker or Kanfer et al. teach a bottom of a container comprising a refill opening being closed by a removable cover.

5. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Ishikawa in view of Urano et al having the bottom of the container comprising a refill opening being closed by a

removable cover, as taught by Boedecker or Kanfer et al., in order to facilitate the refill of the container at the container bottom.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iwasawa and Parkin teach gasket seals on container grooves

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Lien Ngo

December 19, 2003

